

**REMARKS***Claim Rejections Under 35 U.S.C. § 112*

Claims 1-9, 12, 18-22 and 40-45 were rejected under 35 U.S.C. §112, first paragraph, as failing to comply with the written description requirement. Applicant traverses. The Examiner uses words having definitions provided by the Examiner and twists the definitions beyond the level of what should be acceptable. To suggest that “permanent” is permanent only relative to time begs the question why the Examiner insists on continuing to badger Applicant with rejections and arguments that have little basis or merit. If the Examiner’s tactics were available and applicable to patents, then nothing could ever be patentable, since the ability to twist words beyond legitimate comprehension would allow any meaning to be warped. The Examiner clearly ignores the arguments of Applicant, and furthermore has utterly and completely discounted any functional language of the claims. The structure of the present claims has been shown to be patentable, and the functional language must also be taken into account when the structure is shown to be different.

The Examiner further asserts that “the flange of Fabrice remains stable, unchanged, permanent and non-frangible over the time period ... which one chooses not to tamper with it.” This could not be further from the truth. The Examiner’s own definitions and his application of them precludes such an assertion, and it clearly contradicts the reasoning used to discount Applicant’s arguments. By the Examiner’s definition, there is no possible way that a perforated flange that is meant to be easily broken away could be “permanent and non-frangible” since the Examiner’s definition of “permanent” is “permanent only relative to time.” Further, to suggest that Applicant’s flange is frangible in that it could be broken by someone subjecting it to adequate force (not part of the definition of frangible, but nevertheless used by the Examiner), but to then assert that Fabrice’s flange is non-frangible, goes completely opposite to what the Examiner asserts for Applicant’s flange.

Readily and easily, while they are to some degree relative, have accepted definitions as well. Why is the Examiner not defining those terms? The only answer is because the accepted definitions of those terms do not support the broad interpretation the Examiner needs to give

them to define Applicant's flange as readily or easily breakable. Applicant's flange is not readily or easily breakable given any ordinary meaning of those terms.

Why is the Examiner asserting one interpretation of his definition for Applicant's flange, and an opposite interpretation of his definition for Fabrice's flange? The only answer is that the Examiner has no valid legitimate argument. The Examiner's definitions must be applied to his interpretations and to the prior art, not simply to Applicant's terms.

*Claim Rejections Under 35 U.S.C. § 102*

Claims 1, 4-5 and 40-41 were rejected under 35 U.S.C. § 102(b) as being anticipated by Fabrice (U.S. Patent No. 2,113,176). Given the definitions the Examiner has provided for permanent and non-frangible, there is absolutely no interpretation of the flange of Fabrice that defines it as "permanent" or "non-frangible" given any reasonable interpretation of the definitions provided by the Examiner. The claims are allowable.

*Claim Rejections Under 35 U.S.C. § 103*

Claims 7-9 were rejected under 35 U.S.C. § 103(a) as being unpatentable over Fabrice. Given the definitions the Examiner has provided for permanent and non-frangible, there is absolutely no interpretation of the flange of Fabrice that defines it as "permanent" or "non-frangible" given any reasonable interpretation of the definitions provided by the Examiner. The claims are allowable.

Claims 2-3, 6 and 44-47 were rejected under 35 U.S.C. § 103(a) as being unpatentable over Fabrice as applied to claims 1, 4-5 and 40-41 above, and further in view of Long, Jr. (U.S. Patent No. 6,059,134). Given the definitions the Examiner has provided for permanent and non-frangible, there is absolutely no interpretation of the flange of Fabrice that defines it as "permanent" or "non-frangible" given any reasonable interpretation of the definitions provided by the Examiner. The claims are allowable.

Claims 18-19 and 42-47 were rejected under 35 U.S.C. § 103(a) as being unpatentable over Konefal et al. (U.S. Patent No. 6,039,195) in view of Fabrice. Given the definitions the Examiner has provided for permanent and non-frangible, there is absolutely no interpretation of the flange of Fabrice that defines it as "permanent" or "non-frangible" given any reasonable interpretation of the definitions provided by the Examiner. The claims are allowable.

Claims 20-22 and 44-47 were rejected under 35 U.S.C. § 103(a) as being unpatentable over Konefal in view of Fabrice as applied to claims 18-19 and 42-47 above, and further in view of Long, Jr. Given the definitions the Examiner has provided for permanent and non-frangible, there is absolutely no interpretation of the flange of Fabrice that defines it as “permanent” or “non-frangible” given any reasonable interpretation of the definitions provided by the Examiner. The claims are allowable.

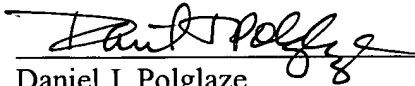
**CONCLUSION**

In view of the above remarks, Applicant believes that all pending claims are in condition for allowance and respectfully requests a Notice of Allowance be issued in this case.

If the Examiner has any questions or concerns regarding this application, please contact the undersigned at (612) 312-2203.

Respectfully submitted,

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